



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 04888-98

1 May 2000

LCDR [REDACTED] USNR

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 3 December 1998, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They found any error in block 5 (duty/competitive status) or block 29 (primary/collateral/watchstanding duties) of the contested original report was adequately corrected by filing the supplemental report. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

4888-98

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1610  
NPC-311  
3 DEC 98

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: LT [REDACTED] ON, USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the period 1 November 1995 to 6 July 1996 and replacing it with a supplemental report for the same period due to an administrative error.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed both the original and supplemental report to be on file with the required cover letter. The original and supplemental reports were signed by the member, acknowledging the contents of the report and his right to submit a statement. The member chose not to submit a statement.

b. The supplemental report changes block-5, block-29, and the member's promotion recommendation from "Must Promote" to "Early Promote". All performance trait marks remain the same.

c. We provide reporting seniors with the facility to add material to fitness reports already on file, not replace them. Substitution of the revised report for the original should only be accomplished when the member demonstrates that retention of the original would constitute an error or injustice. Nothing provided in the petition or in the forwarding letter for the revised report explains why or how the revision more accurately reflects the petitioner's performance or that the original report was unjust or in error.

d. The member does not prove the report to be unjust or in error.

Subj: LI [REDACTED], USN, [REDACTED]

3. We recommend both the original and supplemental reports remain in the member's record.

[REDACTED]

Head, Performance  
Evaluation Branch